

AN OVERVIEW OF THE MUNICIPAL LANDS TRUSTEE PROGRAM



State of Alaska

Sean Parnell, Governor

**Department of Commerce, Community,
and Economic Development**

Susan Bell, Commissioner

Division of Community and Regional Affairs

Scott Ruby, Director

STATEMENT BY THE TRUSTEE

The Municipal Lands Trustee Program plays an extremely important role in the implementation of the Alaska Native Claims Settlement Act. I am pleased to offer this brief synopsis of the organization, philosophy and functions which guide activities within the program. As this brochure notes, additional information is available through a variety of program publications. Please contact us should additional information concerning the Municipal Lands Trustee Program be desired.

A handwritten signature in black ink that reads "Susan Bell". The signature is fluid and cursive, with the first name "Susan" and the last name "Bell" clearly distinguishable.

Susan Bell, Commissioner,
Department of Commerce, Community,
and Economic Development

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Municipal Lands Trustee Program

- Is for those Alaska Native Claims Settlement Act (ANCSA) villages that are not cities.
- Was created to help identify and manage land for future cities.
- Recognizes the right of village residents to oversee the management of community lands.



FEDERAL LAW:

Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA) provides that after Village Corporations receive land conveyances from the federal government, they must turn over a certain amount of land for community use and expansion of the municipal corporation (city) established in the village. If there is no city, the land must be conveyed to the State. Section 14(c)(3), as originally written, provided that at least 1,280 acres had to be conveyed. This requirement was amended to provide an amount less than 1,280 acres could be conveyed if the parties (the Village Corporation and the City or the State in trust) agree in *writing* to a lesser amount. The State will hold the land in trust for any future city that may be established.

STATE LAW:

The responsibility for administering land conveyed to the State in trust under Section 14(c)(3) (hereafter referred to as "municipal trust land") was assigned to the Commissioner of the Department of Commerce, Community, and Economic Development by the State Legislature in 1975, with the enactment of Alaska Statute 44.47.150.

This law also provides that no transfer of municipal trust land or interest therein may be made without the approval of the village residents through their appropriate village entity.

Additionally, it should be noted that the law defines a municipality, for the purposes of the trustee program, as a first or second class city.

ORGANIZATION

The Municipal Lands Trustee (MLT) Program, within the Division of Community and Regional Affairs (DCRA) was created to administer municipal trust lands. The Commissioner of the Department of Commerce, Community, and Economic Development (DCCED) serves as the "Municipal Lands Trustee." The Director of DCRA is the "Municipal Lands Trust Officer" and is principally responsible, under delegation and general direction of the Commissioner, for carrying out program activities. The Municipal Lands Trustee Program's staff, in addition to the Municipal Land Trust Officer, consists of a professional land manager and cartographer.

PHILOSOPHY

The Municipal Lands Trustee Program is guided by a *Statement of Trust Philosophy*. Among other things, the *Statement of Trust Philosophy* provides:

1. The State CANNOT acquire title to nor administer municipal trust lands for its own sovereign use and benefit.
2. Municipal trust lands are held for a future city and are for the ultimate general welfare of all inhabitants, now and in the future.
3. Great weight will be given by the Trustee to the views of the residents.

4. The Trustee has the duty to be responsive both to present needs of the village and to foreseeable needs of any future city.
5. The village should not find it necessary to incorporate as a city only for the purpose of obtaining control of the municipal trust lands.

FUNCTIONS

The MLT Program-operates under the guidance of the enabling statute (AS 44.33.755) the *Statement of Trust Philosophy* and the implementing regulations (3 ACC 190).

The functions of the MLT Program are basically two-fold:

1. Accepting land into trust from Village Corporations.
2. Managing and administering municipal trust land until the village incorporates as a city.

ACCEPTANCE OF LAND

The MLT Program is guided by certain standards in determining what satisfies the 14(c)(3) obligation for a particular village.

Some of the things to be considered are:

1. Is the acceptance in the best interest of a future city?
2. Does the proposed conveyance include all improved land {except 14(c)(1) and (2) claims and, other private land} on which the village is located?

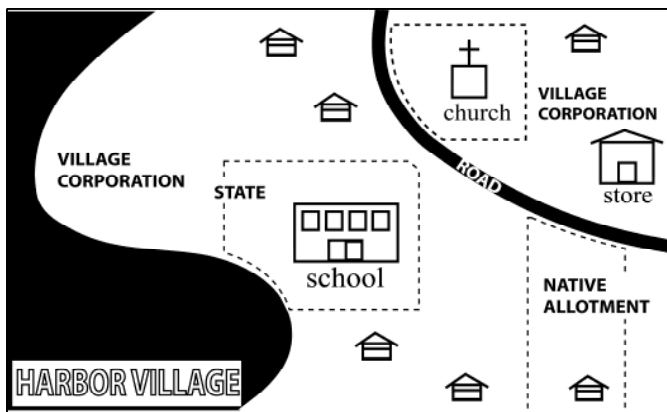
3. Is enough suitable land included which is clearly essential to meet all present or foreseeable community needs?
4. Would future land use patterns created by the conveyance significantly impair the economic viability of the Village Corporation?
5. Is the acceptance of the land conveyance consistent with the view of the village residents?

MANAGEMENT OF MUNICIPAL TRUST LAND

After municipal trust land is identified and conveyed to the State in trust, the MLT Program takes on the role of land manager. A land status record and history of each parcel of land is maintained. The MLT staff also takes any action necessary to dispose of land or interest in land such as the issuance of leases, easements or permits. In regard to disposals, the MLT Program is guided by some important legal and regulatory requirements:

1. No disposal may be made without prior public notice.
2. The village residents must approve of the disposal action.
3. Disposals will be for at least fair market value unless waived.
4. The fair market value requirement may be waived for public or charitable purposes, village relocation, equitable interest, or for residential expansion.

Example map:



OBTAINING THE VIEWS OF THE VILLAGE RESIDENTS



The MLT Program must consult with local residents on matters concerning the identification and management of municipal trust land. The views of

local residents may be obtained by holding village meetings or through a representative group who speaks for the community. This representative group is called the "appropriate village entity" (AVE).

When a village has no officially recognized AVE, the MLT Program must call a special meeting in the village to obtain the views of the residents each time there is a need to determine their views concerning the administration of municipal trust land. With a recognized AVE, the MLT Program can accept a resolution from the AVE as being representative of community views. This allows for speedier land management decisions.

To become recognized, a village organization should submit a petition to the Municipal Lands Trustee requesting that it be recognized as the AVE. The MLT Program will publish notices of the petition which give village residents an opportunity to comment on the acceptability of the organization to serve as the AVE. If there are no serious objections raised, the organization will be recognized.

END OF THE TRUSTEE'S ROLE

When a village incorporates as a city, the State will convey all municipal trust land to the city. An accounting will be made for all revenues received and these funds may be transferred to the city.



NEED MORE INFORMATION?

The following publications are available:

- *Getting Started on ANCSA 14 (c) (3)*
- *Statement of Trust Philosophy*
- *Municipal Trust Land Regulations*
- Program Flyer: *What is an "Appropriate Village Entity?"*

Copies of these publications, as well as other information about the Municipal Lands Trustee (MLT) Program may be obtained by contacting:

Scott Ruby

Municipal Land Trust Officer

or

Keith Jost

Natural Resource Specialist

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ANCSA COMMUNITIES

Associated with the MLT program

AHTNA

Cantwell
 Chistochina
 Chitina
 *Copper Center
 **Gakona
 *Gulkana
 **Mentasta Lake
 **Tazlina

ALEUT

Belkofski
 *Nelson Lagoon
 Nikolski
 Unga
 Paulooff Harbor

ARCTIC SLOPE

**Point Lay

BERING STRAITS

*Council
 King Island
 Mary's Igloo
 *Solomon

BRISTOL BAY

*Chignik Lagoon
 *Chignik Lake
 *Ekuak
 *Igiugig
 *Iliamna
 *Ivanof Bay
 *Kokhanok
 *Koliganek
 *Levelock
 *Naknek
 *Pedro Bay
 *Perryville
 *Portage Creek
 *South Naknek
 *Twin Hills
 *Ugashik

CALISTA

Akiachak
 Atmautluak
 Bill Moore's
 Chuloonawick
 **Crooked Creek
 *Georgetown
 Hamilton
 Kasigluk
 **Kipnuk
 **Kongiganak
 **Kwigillingok
 **Lime Village
 *Napamiut
 Newtok
 Ohogamiut
 **Oscarville
 Paimiut
 *Pitkas Point
 Red Devil
 **Sleetmute
 Stony River
 Tuluksak
 **Tuntutuliak
 Tununak
 Umkumiute

CHUGACH

*Chenega
 Nanwalek
 Port Graham
 *Tatitlek

COOK INLET

Chickaloon
 *Knik
 *Ninilchik
 *Salamatof
 *Tyonek

DOYON

Beaver
 Birch Creek
 Chalkyitsik
 *Circle
 *Dot Lake
 Eagle
 *Evansville
 Healy Lake
 *Manley Hot Springs
 *Minto
 Northway
 Rampart
 *Stevens Village
 *Takotna
 *Tanacross
 *Telida

KONIAG

Afognak
 Ayakuiik
 *Kaguyak
 *Karluk
 Uganik
 *Uyak
 *Woody Island

NANA

Noatak

SEALASKA

Klukwan

* Communities that have completed their 14 (c)(3) conveyance obligation.

* * Communities with partial reconveyance of land.